IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FOURTEENTH DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 12434 of 2005

Between:

Smt. Settipalli Durga Kumari, W/o Jagadesh Kumar,
Bhyravapatnam , Mandavalli Mandal, Krishna District.

..... PETITIONER

AND

1 The District Collector, Machilipatnam, Krishna District.
2 The Revenue Divisional Officer, Gudiwada, Krishna District..
3 The Mandal Revenue Officer, Mandavalli, Mandavalli Mandal, Krishna District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue any writ order or more particularly in the nature of the writ of mandamus declaring the action of the respondents issuing Form-1 Notice dt. 20-5-2005 (Rc-A2-152/05) to the petitioner is illegal, arbitrary and without application of law and set aside the same Notice dt. 20-5-2005 and further declare that Ac. 2.12 cents in R.S.No. 5/1B1 to 5/1B9, 5/2A5, 5/2A6 and 5/2B3 and Ac.1.15 cents in R.S.No. 5/1B1, 5/1B2, 5/2B2, 5/2B4, 5/2A7 and 5/1B11 (Total extent Ac. 3.27 cents) situated at Prabhipadu Village, Mandavalli Mandal, Krishna District are not Assigned and Government land as per the declaration certificate dt 2-6-1995 issued by the 3rd respondent and pass such other and further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case, as otherwise, I will be put to irreparable loss, great hardship, heavy injury and unsustainable damage.

Counsel for the Petitioner: MR.T.V.V.KOTESWARA RAO

Counsel for the Respondent No.: GP FOR REVENUE

The Court at the stage of admission made the following :

ORDER:

Heard both sides.

In this Writ Petition, petitioner is seeking a Writ of Mandamus, declaring the action of the respondents in issuing Form-I Notice dated 20.5.2005 to the petitioner as illegal, arbitrary and without application of law and set aside the same.

The Mandal Revenue Officer, Mandavalli issued Form-I Notice dated 20.5.2005 under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 stating that the petitioner found to have the assigned lands, in contravention of the provisions of sub-section (2) of Section 3 of the Act, 1977, therefore, directed the petitioner to show cause within fifteen days of receipt of the notice as to why the petitioner should not be summarily evicted form the said land. In pursuance of the above said notice, issued by the Mandal Revenue Officer, Mandavalli, the petitioner submitted his explanation in the month of June, 2005. Pending consideration of the above said explanation submitted by the petitioner, he straightaway approached this court by way of this Writ Petition. The matter is under pending consideration before the Mandal Revenue Officer, Mandavalli and the Mandal Revenue Officer has not passed any final orders.

Therefore, it is not proper for this court to entertain this Writ Petition at this

stage and the Writ Petition is liable to be dismissed.

Accordingly, the Writ Petition is dismissed. No order as to costs.

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E. DHARMA RAO, J

DATED: 14/06/2005

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To

1 The District Collector, Machilipatnam, Krishna District.
2 The Revenue Divisional Officer, Gudiwada, Krishna District..
3 The Mandal Revenue Officer, Mandavalli, Mandavalli Mandal, Krishna District.

4. Two CCs to G.P.for Revenue, High Court of A.P., Hyderabad (OUT)

5. Two CD copies.